

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

	:	
In re:	:	Chapter 11
	:	
ORION HEALTHCORP, INC ¹ .	:	Case No. 8-18-71748 (AST)
	:	
Debtors.	:	(Jointly Administered)
	:	
HOWARD M. EHRENBERG IN HIS CAPACITY AS	:	
LIQUIDATING TRUSTEE OF ORION	:	Adv. Pro. No. 8-20-08044 (AST)
HEALTHCORP, INC., ET AL.,	:	
	:	
Plaintiff,	:	
	:	
v.	:	
	:	
AMERICAN EXPRESS TRAVEL RELATED	:	
SERVICES COMPANY, INC.,	:	
	:	
Defendant(s)	:	
	:	

**STIPULATION REQUESTING AMENDMENT TO
CASE MANAGEMENT AND DISCOVERY PLAN**

Plaintiff, Howard Ehrenberg, in his capacity as Liquidating Trustee of Orion Healthcare, Inc. (the “Plaintiff”) and Defendant American Express Travel Related Services Company, Inc. (“Defendant”; together with the Plaintiff, the “Parties”), by and through their undersigned counsel of record, stipulate as follows:

¹

The Debtors in these chapter 11 cases, along with the last four digits of each Debtor’s federal tax identification number, are: Orion Healthcorp, Inc. (7246); Constellation Healthcare Technologies, Inc. (0135); NEMS Acquisition, LLC (7378); Northeast Medical Solutions, LLC (2703); NEMS West Virginia, LLC (unknown); Physicians Practice Plus Holdings, LLC (6100); Physicians Practice Plus, LLC (4122); Medical Billing Services, Inc. (2971); Rand Medical Billing, Inc. (7887); RMI Physician Services Corporation (7239); Western Skies Practice Management, Inc. (1904); Integrated Physician Solutions, Inc. (0543); NYNM Acquisition, LLC (unknown) Northstar FHA, LLC (unknown); Northstar First Health, LLC (unknown); Vachette Business Services, Ltd. (4672); Phoenix Health, LLC (0856); MDRX Medical Billing, LLC (5410); VEGA Medical Professionals, LLC (1055); Allegiance Consulting Associates, LLC (7291); Allegiance Billing & Consulting, LLC (7141); New York Network Management, LLC (7168). The corporate headquarters and the mailing address for the Debtors listed above is 1715 Route 35 North, Suite 303, Middletown, NJ 07748.

RECITALS

Plaintiff and Defendant, each by and through their respective undersigned attorney, hereby stipulate and agree to extend the written and document fact discovery deadline from December 30, 2021 to March 7, 2022, and to extend the time to select a mediator and schedule mediation to March 21, 2022:

1. On March 12, 2020, Plaintiff filed a complaint [Dkt. No. 1] against Defendant.
2. The Summons [Dkt. No. 2] was issued by the Clerk's Office on March 13, 2020.
3. On March 19, 2020, Defendant was served with the summons and complaint.
4. On July 13, 2020, Defendant filed Defendant's Answer and Affirmative Defenses to Complaint for Avoidance and Recovery of (1) Preferential and or Fraudulent Transfers and (2) Objection to Claim No. 69 Pursuant to 11 U.S.C. §§ 502, 547, 548 & 550 [Dkt. No. 8].
5. On March 25, 2021, the Court entered the Case Management and Discovery Plan [Dkt. No. 22] (the "Discovery Plan"), setting, among other things, a deadline for all written and document fact discovery for September 30, 2021, so that such fact discovery could be conducted prior to the Parties' selection of a mediator and scheduling of mediation.
6. The Pre-Trial Conference was adjourned to October 5, 2021.
7. On August 26, 2021, the Court entered a Stipulation Requesting Amendment to Case Management and Discovery Plan [Dkt. No. 25] (the "Amended Discovery Plan"), setting, among other things, a deadline for all written and document fact discovery no later than December 30, 2021.
8. A stipulation is to be filed with the Court no later than January 13, 2022 advising of the selection of a mediator and the date for proposed mediation.

9. The Pre-Trial Conference was adjourned from October 5, 2021 to January 26, 2022, and, because the Parties desired and agreed to attend mediation, the Discovery Plan requires the Parties to file a joint stipulation prior to the Pre-Trial Conference advising of the mediator selection and proposed mediation date.

10. This is an adversary involving alleged transfers of over ten million dollars and multiple accounts and theories of recovery. The Parties have met and conferred over the course of this adversary proceeding and have exchanged a substantial amount of information and records via formal and informal discovery, and are expecting supplemental responses from third- parties who were served with subpoenas.

11. The Parties are seeking additional time to continue the discovery process, respond to written discovery and produce documents, in order to prepare adequately for mediation and pre-mediation settlement discussions. Given the impending holidays, the parties seek to extend the written and document fact discovery deadline approximately 60 days to allow for the exchange of documents by the parties of, and to extend the time to file their joint stipulation advising of the mediator selection and proposed mediation date to do so.

NOW AND THEREFORE, IT IS HEREBY STIPULATED AND AGREED:

12. All written and document fact discovery between the Parties shall be completed no later than March 7, 2022.

13. The Parties will jointly file a stipulation with the Court advising of the selection of a mediator and the date proposed for mediation no later than March 21, 2022.

14. Each person who executes this Stipulation represents that he or she is duly authorized to execute this Stipulation on behalf of the respective Parties hereto and that each such party has full knowledge and has consented to this Stipulation.

15. This Stipulation may be executed in one or more counterparts, any of which may be transmitted by facsimile or electronic transmission, and each of which shall be deemed an original, but all of which together shall constitute one and the same document.

Dated: November 23, 2021

**PACHULSKI STANG ZIEHL &
JONES LLP**

Attorneys for Plaintiff Howard M.
Ehrenberg in his capacity as Liquidating
Trustee of Orion Healthcorp, Inc., et al

By: : /s/ Jeffrey P. Nolan

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Dated: November 23, 2021

ARNALL GOLDEN GREGORY LLP

Counsel for Defendant American Express
Travel Related Services Company, Inc.


By: /s/ Darryl S. Laddin

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SO ORDERED:

**Dated: January 25, 2022
Central Islip, New York**




**Alan S. Trust
Chief United States Bankruptcy Judge**